

Notice of Allowability

Application No.

10/076,748

Examiner

Quan-Zhen Wang

Applicant(s)

UDA ET AL.

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2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/25/06.
2. ☒ The allowed claim(s) is/are 1-5,7-18,20-30,32-36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JASON CHAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-5, 7-18, 20-30, and 32-36 are allowed.
2. The following is an examiner's statement of reasons for allowance:

Claims 1-5, and 7-13 are allowable since the prior art of record does not teach or suggest in combination "monitoring at the second unit a second probe optical strength level of the at least one of the wavelengths of the received wave division multiplexed optical signal from the first unit; transmitting the second average value of a total optical strength level and the second probe optical strength level from the second unit to the first unit; and adjusting said amplification at the first unit so that a sum of the first average value and the second average value of the total optical strength level ' level -% a-substantially matched with a sum of the first probe optical strength level and the second probe optical strength level in order to substantially reduce a gain tilt and an optical signal-to-noise ratio in the amplified wave division multiplexed optical signal", in addition to other limitations cited in the claims.

Claims 14-18, 20-30, and 32-36 are allowable since the prior art of record does not teach or suggest in combination "monitoring at the second unit a second probe optical strength level of the at least one of the wavelengths of the received wave division multiplexed optical signal from the first unit; transmitting the second average value of a total optical strength level and the second probe optical strength level from the second unit to the first unit; and adjusting said amplification at the first unit so that a

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sum of the first average value and the second average value of the total optical strength level ' level -% a-substantially matched with a sum of the first probe optical strength level and the second probe optical strength level in order to substantially reduce a gain tilt and an optical signal-to-noise ratio in the amplified wave division multiplexed optical signal", in addition to other limitations cited in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sugata (U.S. Patent US 5,907,429) discloses an optical amplifier with monitoring and controlling units; Kosaka (U.S. Patent US 6,091,539) discloses a method of controlling an output of an optical amplifier; Kobayashi et al. (U.S. Patent US 6,111,688) discloses an optical amplifier having a control unit for gain tilt adjustment; Irie (U.S. Patent US 6,682,713 B2) discloses a method for level equalization in an optical communication system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quan-Zhen Wang whose telephone number is (571)


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272-3114. The examiner can normally be reached on 9:00 AM - 5:00 PM, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

qzw
5/8/2006


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